

4766. Adulteration of butter. U. S. v. 75 64-pound Cubes of Butter. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9008. Sample No. 10873-F.)

On December 1, 1942, the United States attorney for the Northern District of California filed a libel against 75 64-pound cubes of butter at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about November 14, 1942, by the Neosho Valley Co-operative Creamery Association from Erie, Kans.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On December 8, 1942, the Lucerne Cream and Butter Co., Oakland, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that the claimant bring the product into compliance with the law except such portions as might be found up to the legal standard.

4767. Adulteration and misbranding of butter. U. S. v. 10 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9282. Sample No. 448-F.)

In addition to being deficient in milk fat this product was also short-weight.

On or about December 31, 1942, the United States attorney for the Northern District of Illinois filed a libel against 10 boxes, each containing 50 1-pound prints, of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 15, 1942, by the Farmers Cooperative Creamery Association from Protivin, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The article was labeled in part: (Wrapper) "Fancy Dittmann's Best Creamery Butter 1 Lb. Net Dittmann & Company * * * Chicago, Ill."

On January 5, 1943, Dittman & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

CHEESE

Nos. 4768 to 4772 report actions involving cheese, samples of which were found to be contaminated with one or more types of filth, such as rodent or human hairs, mites, rind rot, mold, and miscellaneous filth.

4768. Adulteration of Cheddar cheese. U. S. v. 60 Cheeses and 8 Cheeses. Default decrees of condemnation. Product ordered sold for non-food purposes. (F. D. C. Nos. 8367, 8725. Sample Nos. 519-F, 2069-F.)

Examination showed the presence in this product of rodent hairs, human hairs, adult and larva insect fragments, mites, and miscellaneous filth.

On September 26 and November 14, 1942, the United States attorney for the Northern District of Illinois filed libels against 60 cheeses at Chicago, Ill., and 8 cheeses at Freeport, Ill., each weighing about 75 pounds, alleging that the article had been shipped in interstate commerce on or about August 12 and 19, 1942, by the Brinkman Cheese Co., Fennimore, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 19, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered sold at the highest obtainable price on condition that the purchaser restrict the use of the oils and fats obtained from it to non-food purposes.

4769. Adulteration of cheese. U. S. v. 25 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9308. Sample No. 10419-F.)

On February 3, 1943, the United States attorney for the Northern District of California filed a libel against 25 boxes, each containing 6 cheeses, at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 31, 1942, by the Star Cheese Factory from Coquille, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Box) "Whole Milk * * * Oregon Blue Cheese."

On April 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4770. Adulteration of cheese. U. S. v. 57 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9153. Sample Nos. 22577-F, 22580-F.)

On January 8, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 57 43-pound boxes of cheese at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 27, 1942, by G. W. Cummings from Groton, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Heart's Delight New York State Whole Milk Washed Curd Cheese Scoville, Brown & Co., Wellsville, N. Y."

On March 17, 1943, no claimant having appeared, judgment of condemnation was entered (amended July 14, 1943) and the product was ordered destroyed.

4771. Adulteration of cheese. U. S. v. 131 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8875. Sample No. 7580-F.)

On November 12, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 131 boxes of cheese at Mayville, Wis., alleging that the article had been shipped in interstate commerce on or about October 23, 1942, by Steele Wedeles Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 10, 1943, the case having been called and no claim or answer appearing in the record, judgment of condemnation was entered and the product was ordered destroyed.

4772. Adulteration of Eatette Cheese Food. U. S. v. 30 Cases of Eatette American Cheese Food. Default decree of condemnation and destruction. (F. D. C. No. 9348. Sample No. 23226-F.)

On February 8, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 30 cases of the above-named product at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 31, 1942, by the Fisher Dairy & Cheese Co. from Wapakoneta, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On February 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4773. Adulteration and misbranding of Colby cheese. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$200 and costs. (F. D. C. No. 8815. Sample Nos. 4472-F, 4473-F, 31854-F.)

On March 12, 1943, the United States attorney for the Northern District of Indiana filed an information against Swift & Co., a corporation, Marion, Ind., alleging shipment on or about November 9 and December 14, 1942, from the State of Indiana into the State of Ohio of a quantity of Colby cheese that was adulterated and misbranded. The article was labeled in part: (Label on boxes) "Brookfield Genuine Colby Brookfield Branded Colby Cheese."

The article was alleged to be adulterated in that a product containing moisture in excess of 40 percent, the solids of which contained less than 50 percent of milk fat, had been substituted for Colby cheese, a product which should contain not more than 40 percent of moisture and the solids of which should contain not less than 50 percent of milk fat.

The article was alleged to be misbranded in that it purported to be and was represented as Colby cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but did not conform to such definition and standard since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

On April 5, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200 and costs.

EGGS

4774. Adulteration of shell eggs. U. S. v. Conrad Bachmeyer (C. Bachmeyer). Plea of nolo contendere. Fine, \$10. (F. D. C. No. 8817. Sample No. 17783-F.)

On March 16, 1943, the United States attorney for the District of Connecticut filed an information against Conrad Bachmeyer, trading as C. Bachmeyer, a: